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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,193	01/31/2001	Anand Naga Babu	AUS9-2000-0697-US1	4496

32329 7590 01/29/2007
IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11400 BURNET ROAD
AUSTIN, TX 78758

EXAMINER

GOLD. AVI M

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/773,193	Applicant(s) BABU ET AL.	
	Examiner Avi Gold	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 7, 8, 13, 14, 16, 19, 20, 25, 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 8, 13, 14, 16, 19, 20, 25, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed on November 6, 2006. Claims 1, 2, 4, 7, 13, 16, 19, 25, and 28 were amended. Claims 3, 5, 6, 9-12, 15, 17, 18, 21-24, 27, and 29-36 were cancelled. Claims 1, 2, 4, 7, 8, 13, 14, 16, 19, 20, 25, 26, and 28 are pending.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al., U.S. Patent No. 5,659,596.

Dunn teaches the invention as claimed including a system for location of communication end users (see abstract).

Regarding claims 1, 13, and 25, Dunn teaches a method, information handling system, and computer-usable medium, for handling location information regarding a mobile user having a plurality of associated location sources, comprising:

simultaneously acquiring items of location data regarding said user from said plurality of location sources (col. 22, lines 27-30, Dunn discloses location data acquired from local service offices (LSOs));

creating a collection of said location data regarding said user (col. 29, lines 43-47, Dunn discloses multiple prior locations reported and collected);

determining an expected most accurate location source of said plurality of associated location sources (col. 29, lines 39-57, Dunn discloses a last known location);

ranking items of location data in said collection to define the location of said user according to the expected most accurate location source of said plurality of associated location sources (col. 29, lines 39-57, Dunn discloses sorting through location data and ranking based on time-stamps); and

updating said location data continuously with said defined location of said user (col. 22, lines 27-30, Dunn discloses location data continually updated; col. 29, lines 39-57).

Regarding claims 2, 8, 14, 20, and 26, Dunn teaches the method, information handling system, and computer-usable medium of claims 1, 7, 13, 19, and 25, further comprising;

filtering data in said collection to remove misleading data (col. 29, lines 47-57, Dunn discloses some location data results being discarded to waste management).

Regarding claims 4, 16, and 28, Dunn teaches the method, information handling system, and computer-usable medium of claims 1, 13, and 25, wherein:

said acquiring further comprises acquiring location data regarding more than one user (col. 22, lines 27-30, col. 16, lines 33-37, Dunn discloses the location of subscriber units and their users);

said creating further comprises creating collections of said location data regarding more than one user (col. 29, lines 43-47, col. 16, lines 33-37); and

said ranking further comprises ranking items in said collections regarding more than one user, according to the expected most accurate location source of each of said plurality of associated location sources for each of said users (col. 29, lines 39-57, col. 16, lines 33-37).

Regarding claims 7 and 19, Dunn teaches a method and information handling system for handling location information regarding a mobile user having a plurality of associated location sources, comprising:

simultaneously acquiring items of location data regarding said user from said plurality of location sources (col. 22, lines 27-30);

ranking items of location data in a collection of said location data regarding said mobile user, according to an expected most accurate location source of said plurality of associated location sources (col. 29, lines 39-57); and

updating said location data continuously (col. 22, lines 27-30).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 7, 13, 19, and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation including "simultaneously acquiring items of location data" is not found in the specification.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 4, 7, 8, 13, 14, 16, 19, 20, 25, 26, and 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,684,250 to Anderson et al.

U.S. Pat. No. 6,091,959 to Souissi et al.

U.S. Pat. No. 5,878,126 to Velamuri et al.

U.S. Pat. No. 6,456,931 to Polidi et al.

U.S. Pat. No. 6,477,387 to Jackson et al.

U.S. Pat. No. 5,659,596 to Dunn et al.

U.S. Pat. No. 6,665,715 to Hourii

U.S. Pat. No. 6,668,173 to Greene

U.S. Pat. No. 5,742,233 to Hoffman et al.

U.S. Pat. No. 6,747,675 to Abbott et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG


ARIO ETIENNE
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